

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of  
  
Hilda Williams  
  
Respondent

Civil Citation No. 54577  
  
1 Friendship Circle

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 1, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section 12-3-106, failure to remove feces daily; section 35-5-302 (b)(1)(3), failure to repair/replace downspouts; section 3-6-401, failure to comply with Final Order dated April 20, 2009 on residential property known as 1 Friendship Circle, 21222.

On June 2, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Jerry Chen issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 15,000.00 (fifteen thousand dollars).

The following persons appeared for the Hearing and testified: The Complainant, William Michael Manion Jr. and, Jerry Chen, Baltimore County Code Enforcement Officer.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. Respondent has failed to comply with a Final Order issued April 20, 2009 and has not corrected violations including removal of dog feces daily; and repair of gutters and downspouts. A civil penalty of \$500.00 (five hundred dollars) has been imposed pursuant to that Final Order.

B. This Citation was issued on June 2, 2009. Inspector Jerry Chen testified that the trash was cleaned up since the prior Citation was issued, but that the gutters have not been repaired and that the stench from dog feces is very strong. He testified that there are two large Rottweiler dogs in the rear yard, which has tall grass, and that the dogs would have to be quarantined for a contractor to be able to mow. He further testified that there are rat holes on the neighbor's property but that he was unable to see whether there are rat holes on Respondent's property.

C. Complainant William Michael Manion, Jr. testified that the two Rottweiler dogs are in the back yard all the time and that food is regularly left out for them. He further testified that the smell from the dog feces is terrible and that the flies generated by the feces and the dog food make it impossible for his family to enjoy their back yard. He further testified that flies can be seen covering the faces of the dogs. He stated that the dog food and the feces provide food for rats and are causing an active rat infestation. He further testified that a neighbor told him there are three little dogs living inside the house and that there are dog feces inside the house, but he has not been inside to see for himself.

D. Mr. Manion further testified that this property has ten bedrooms and was originally built to house workers and later was a merchant marine hotel. He testified that based on observation and on comments from neighbors he believes that Respondent is renting rooms in the house and providing a board and care facility, and that there are two clients living there.

E. Gutters and downspouts must be kept in good repair to comply with County Code Section 25-5-302 ("In order not to pose a threat to the health, safety or welfare of the occupants or immediate neighbors of an owner-occupied housing unit, the property owner shall maintain ... gutters ... in good repair."). Dog feces must be picked up daily and stored properly in trashcans with tight-fitting lids. Respondent's failure to clean up the animal waste and the practice of leaving dog food outside contributes to rat harborage and rat infestation in the neighborhood, and must be corrected.

F. Respondent has failed to correct these violations and has failed to respond to the County's notices. Photographs in the file show large quantities of uncollected dog feces and overgrown conditions in the rear yard. The neighbor's testimony makes clear that this is affecting the neighborhood by attracting and feeding rats, and by generating flies and offensive smells. Testimony also indicates that the two dogs in the rear yard may not have proper and legally required care and living conditions. Also, evidence presented indicates that Respondent may be operating an unlicensed board and care facility at this location.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that to protect public health, Baltimore County may enter the property for the purpose of cleaning up the dog feces and any other garbage, and for the purpose of abating the rat infestation, and may remove the dogs if necessary to carry out that cleanup, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that this case be referred to the Baltimore County Health Department, Division of Animal Control, for investigation.

IT IS FURTHER ORDERED that this case be referred to the Maryland Department of Health & Mental Hygiene, Office of Health Care Quality, for investigation.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected. Failure to correct the violations may result in additional Citations with possible additional civil penalties.

ORDERED this 7<sup>TH</sup> day of July 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.